

Senator McLeary moved to lay Senator Storey's motion on the table. Senator Terrell moved a call of the Senate, which was seconded.

Pending the call of the roll, on motion of Senator Terrell, the call was suspended.

Senator McLeary's motion, to lay Senator Storey's motion to reconsider on the table, was adopted.

A message was received from the House, announcing that that body had adopted the report of the Committee of Free Conference on Senate Bill No. 2, "An Act to establish County Courts and define their powers and jurisdiction."

On motion of Senator Motley, the rule was suspended, and Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," was taken up, and made the special order for to-morrow week.

Senator Blassingame offered the following resolution :

Resolved, That the Committee on Printing be instructed to inquire into the cause of the delay in the printing of bills and other matter ordered printed by the Senate, and to report the cause of the delay to the Senate.

Adopted.

Senator Brady introduced the following resolution :

Resolved, That Judiciary Committee No. 1 is hereby requested to examine the Constitution, and report its opinion as to whether or not the Legislature has the power to authorize the County Commissioners' Court to provide for the election of Justices of the Peace, to provide Constables in new precincts, or where vacancies occur in precincts already existing, at any time prior to the next biennial election.

Adopted.

On motion of Senator Edwards, Senate Bill No. 105, "An Act to amend 'An Act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, eighteen hundred and seventy-three, and to provide for the payment of the same,'" approved April 27, 1874, was taken up and read second time.

Senator Terrell offered the following amendment:

"*Provided*, that nothing contained in this act shall be construed to interfere with the available school fund for the next scholastic year."

Lost.

Pending further action on the bill, on motion of Senator McCulloch, the Senate adjourned to 9 o'clock to-morrow morning.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 14, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Ford presented a petition from citizens of Nueces county, asking the repeal of the third section of 'An Act supplementary to an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871.

Read and referred to Judiciary Committee No. 2.

Senator Ford presented the petition of citizens of Cameron county "asking the re-opening of the Auditorial Board."

Read and referred to Judiciary Committee No. 2.

Senator Ford presented the petition from citizens of the North-western frontier, "asking protection against marauding parties."

Read and referred to Committee on Indian Affairs and Frontier Protection.

Senator Ball introduced a bill entitled: "An Act to provide for the establishing of the execution of deeds and other instruments of writing."

Read by caption and referred to Judiciary Committee No. 1.

Senator Thompson introduced a bill entitled: "An Act to create a standing Treasury Committee to examine the books and count the money in the Treasury during the recesses of the Legislature."

Read by caption and referred to Committee on Comptroller's and Treasurer's Department.

Senator McLeary introduced a bill entitled: "An Act to reserve from location, in the event of forfeiture, the public domain now reserved for the benefit of railroads or railroad companies."

Read by caption and referred to Committee on State Affairs.

Senator Stephens introduced a bill entitled: "An Act prescribing the time of holding the District Courts in the Twelfth Judicial District."

Read by caption and referred to Judiciary Committee No. 2.

Senator Terrell introduced a bill entitled: "An Act to authorize counties to purchase toll-bridges for the free use of the public."

Read by caption and referred to Committee on Roads, Bridges and Ferries.

On motion of Senator Storey, the rules were suspended, and House Bill No. 18, "An Act to provide for the expenses and compensation for the Commission appointed by His Excellency, Governor Coke, April 10, 1875, to investigate the management of the State Penitentiary, and to make an appropriation therefor," was taken up and read second time, pending report from Senate Committee, recommending an amendment thereto.

Report of committee adopted.

On motion of Senator Storey, the rules were suspended by the following vote and bill read third time:

YEAS—Senators Ball, Blassingame, Brown, Burton, Francis, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Wortham—20.

NAYS—None.

NOT VOTING—Senators Brady, Carroll, Edwards, Grace, Hobby, McCormick, Piner, Smith, Thompson—9.

On motion of Senator Terrell, the further consideration of the bill was postponed until to-morrow.

Senator Ledbetter moved a suspension of the rules to take up Senate Bill No. 40, "An Act to provide for times and places of holding sessions of the Supreme Court."

Senator Hobby moved a call of the Senate.

Call sustained.

Absent—Senators Carroll, Edwards, Ford, Smith.

Senator McLeary moved that the call be suspended.

Lost.

Senator Hobby moved a suspension of the rules, to take up House Bill No. 64½, "An Act to organize Commissioners' Courts, and to define their jurisdiction and duties, and provide for vacancies therein."

Senator McLeary moved a call of the Senate.

Call sustained.

Absent—Senator Edwards.

Senate Bill No. 19, "An Act to prescribe the order of determining cases in the Supreme Court," was taken up and read third time.

Senator McLeary offered the following amendment:

Add to the end of Section 2, the following words, "nor with the disposal of cases wherein delay is suggested."

Adopted.

The bill, as amended, was then passed.

The Senate being full, the call was suspended.

Senator Hobby in the chair.

Senator Ledbetter renewed his motion to suspend the rules to take up Senate Bill No. 40: "An Act to provide for times and places of holding the Supreme Court."

Lost, by the following vote, it requiring two-thirds:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, Piner, Smith, Stephens, Storey, Terrell—15.

NAYS—Senators Brady, Burton, Douglass, Edwards, Francis, Henry J. R., Hobby, McCormick, McCulloch, Moore, Motley, Ripetoe, Thompson, Wortham—14.

ABSENT, NOT VOTING—Senator Ford—1.

Senate Bill No. 105, "An Act to amend an act entitled, 'An Act to ascertain the amount due the teachers of the public free schools of this State, for services rendered prior to the first day of July, 1873, and to provide for the payment of the same,'" approved April 27, 1874, was taken up and read second time.

Senator Martin offered the following amendment:

At the end of Section 5, strike out all after the word, "from," and insert the words, "the first day of January, 1874."

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Ford, Grace, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Wortham—19.

NAYS—Senators Guy, Henry F. M., McCormick, Piner, Storey, Terrell, Thompson—7.

ABSENT, NOT VOTING—Senators Brady, Douglass, Edwards, Francis.

Senator McLeary moved to strike out the words, "1874," in the amendment of Senator Martin's just adopted, and insert, "1875."

Adopted.

Senator Edwards offered the following amendment:

Amend by adding after the word, "act," last line, first page, the words, "or when said statement, if made, is incorrect or defective."

Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Edwards the rules were suspended and the bill read the third time, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary,

McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senator Henry F. M.—1.

NOT VOTING—Senators Douglass, Edwards, Francis—3.

The bill was then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senator Henry F. M.—1.

NOT VOTING—Senators Edwards, Francis, Motley—3.

Senator Piner moved to reconsider the vote of yesterday by which the Senate adopted the resolution asking the favorable consideration of His Excellency, the Governor, of a petition to relieve Senator Burton from the payment of a sum on the bond of a defaulting witness.

Senator Wortham, by leave, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate Bill No. 62, "An Act to provide for the public printing," have carefully considered the same, and instruct me to report the same back to the Senate with the accompanying substitute, and recommend the passage of the substitute.

WORTHAM, *Chairman.*

The title of the substitute referred to is:

"An Act to provide for the public printing, binding and stationery, by contract."

On motion of Senator Wortham, the original bill and substitute were made special order for 11 o'clock A. M., next Friday.

Senator Edwards, by leave, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate Bill No. 185, "An Act for the relief of the heirs of Lieutenant Samuel Wilson, deceased, who fell at Fannin's massacre, in the year 1836," have had the same under consideration, and recommend that it do not pass, for the reason that, in the opinion of the committee, it is a special act, and notice has not been given according to law, as is required for special laws in the Constitution, and the act regulating the mode of advertising special laws, passed at this session of the Legislature.

EDWARDS, *Chairman.*

Senate Bill No. 13, "An Act concerning mills and millers, and to regulate the taking of tolls," was taken up, read third time and passed.

Senate Bill No. 18, "An act to amend Article 382 of the criminal code," was taken up, with amendments thereto from the House.

The House amendments were concurred in.

Senate Bill No. 26, "An Act to require the Clerks of the District and County Courts of this State to provide and keep indexes and cross-indexes of the names of the parties to all causes in their courts, and to provide a penalty for their failure to comply with the provisions of this act," was taken up, pending House amendments.

On motion of Senator Piner, the Senate refused to concur in House amendments.

Senate Bill No. 140, "An Act to provide for filling vacancies in the office of District Clerks and Constables," was taken up.

Senator Ledbetter submitted the following amendment:

Amend Section 1, by adding the following: *provided*, that this act shall only apply to vacancies that have occurred since the 18th day of April, 1876, by death or resignation."

Senator Ball offered the following substitute for the whole bill:

Be it enacted by the Legislature of the State of Texas, That the Judges of the District Courts of this State are hereby authorized, whenever a vacancy occurs in the office of District Clerk by death or resignation, since April 18, 1876, to fill said office by appointment of a Clerk, who shall hold the same until the office can be filled by election."

On motion of Senator Piner, the original bill, with amendment and substitute, was recommitted to Judiciary Committee No. 1.

The substitute for Senate Bill No. 40, "An Act to provide for times and places of holding sessions of the Supreme Court," was taken up.

Senator Douglass moved the indefinite postponement of the bill.

The President in the chair.

Senator Smith moved the previous question on the passage of the bill.

Seconded and the main question ordered by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Carroll, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—18.

NAYS—Senators Ball, Brady, Douglass, Edwards, Francis, Ford, Hobby, McCormick, Moore, Motley, Thompson, Wortham—12.

The bill was read the third time and passed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Carroll, Douglass, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCormick, Moore, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—20.

NAYS—Senators Ball, Edwards, Francis, Ford, Henry J. R., Hobby, McCulloch, Motley, Stephens, Wortham—10.

Senator Smith moved to reconsider the vote just taken, and to lay that motion on the table.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Carroll, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—18.

NAYS—Senators Ball, Brady, Douglass, Edwards, Francis, Ford, Henry J. R., Hobby, McCormick, Motley, Thompson, Wortham—12.

On motion of Senator Blassingame, House Bill No. 88, "The Local Option Law," was taken up.

The President *pro tem.* in the chair.

Senator Storey moved that the bill be postponed and made the special order for Friday next, at 11 o'clock A. M.

Lost.

On motion of Senator McLeary, it was made the special order for Saturday next, at 11 o'clock A. M., and from day to day until disposed of.

The resolution of Senator Thompson, offered yesterday, "with regard to committees reporting all the bills and resolutions referred to them within ten days, etc.," was taken up, and on motion of Senator McLeary, was laid on the table.

A message was received from the House, announcing the passage by

that body, of Senate Bill No. 23, "An Act to regulate the appointment and define the duties of Notaries Public," with amendments.

On motion of Senator McLeary, the rules were suspended, and House Bill No. 23, "An Act to regulate the appointment, etc., of Notaries Public," was taken up and referred to Judiciary Committee No. 2, with instructions to report back as soon as possible.

Senator Storey offered the following concurrent resolution:

Resolved, by the Senate, the House concurring, That the present session of the Fifteenth Legislature be adjourned without day, at 12 M. on the third Monday, the 17th day of July, A. D., 1876.

Made the special order for July 1, 1876.

On motion of Senator Storey, the Senate adjourned until to-morrow at 9 o'clock A. M.

FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 15, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

On motion of Senator Storey, leave of absence was granted to Lieutenant-Governor Hubbard for ten days.

On motion of Senator Ford, Senator Edwards was granted a leave of absence for ten days.

On motion of Senator Motley, Senator Burton was granted a leave of absence for ten days.

Senator J. R. Henry, Chairman of the Committee on Public Claims and Accounts, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 212, "An Act for the relief of the Moran Brothers," have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

J. R. HENRY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 210, "An Act for the relief of A. E. Baker," have had the same under consideration, and recommend that it do not pass.

J. R. HENRY, *Chairman.*

Senator McCulloch, Chairman of the Committee on Statistics, Public Health, etc., submitted the following report, with the accompanying report of sub-committee of said committee:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Statistics, Public Health and History of Texas, to whom was referred Senate Bill No. 277, "An Act to carry into effect Section 39 of Article 16 of the Constitution," have had the same under consideration, and report the same back with the accompanying report of the sub-committee appointed to confer with experts or critics for